

## **VICTIM COMPENSATION FUND FREQUENTLY ASKED QUESTIONS**

(Updated March 7, 2003)

### **Section 10 –Application Process**

#### **10.1 How does the process work?**

The regulations provide claimants with a choice of two Procedural Options: Track A or Track B.

- If a claimant selects **Track A**, the Claims Evaluator will determine eligibility and the claimant's presumed award and, within 45 days of the date the claim was deemed filed, notify the claimant in writing of the eligibility determination, the amount of the presumed award, and the right to request a hearing before the Special Master or his designee. After an eligible claimant has been notified of the presumed award, the claimant may either accept the presumed compensation determination as the final determination and request payment, or may instead request a review before the Special Master or his designee. If a claimant opts for a review, the claimant may make supplemental submissions. The Special Master may alter or modify the award if the presumed award was calculated erroneously, or if the claimant demonstrates extraordinary circumstances indicating that the presumed award does not adequately address the claimant's injury. There will be no further review or appeal from this determination.
- If the claimant selects **Track B**, a Claims Evaluator will determine eligibility within 45 days of the date the claim was deemed filed, but shall not determine the claimant's presumed award. The Claims Evaluator will then notify the claimant in writing of the eligibility determination. Upon notification of eligibility, the claimant will proceed to a hearing. At the hearing, the Special Master or his designee will utilize the presumed award methodology, but may modify or vary the award if the claimant presents extraordinary circumstances not adequately addressed by the presumed award methodology. There shall be no review or appeal from this determination.

#### **10.2 When should I file the forms?**

You can file the forms at any time up until two years after the date of the Interim Final Rule. The Interim Final Rule was effective on December 21, 2001. This means you must file on or before December 21, 2003.

#### **10.3 What is required to comply with the “notice” provision of the Compensation Form for Deceased Victims?**

The notice provision requires the claimant to complete a separate “Notice of Filing of Claim” (attached as Exhibit A, to the Compensation Form for Deceased Victims) for each person who you are required to provide notice to. If you are a Personal Representative applying for Advance Benefits, you must check the box at the bottom of Exhibit A so that those being notified know that you are applying for Advance Benefits.

The claimant must either personally deliver a copy of the completed Notice or send a copy of the Notice by certified mail, return receipt requested to each such person.

Those persons to whom notice must be provided are:

- The immediate family of the decedent including, but not limited to, the decedent's spouse, former spouses, children, other dependents, siblings, and parents;
- The executor, administrator, and beneficiaries of the decedent's will and life insurance policies; and
- Any other persons who may reasonably be expected to assert an interest in an award or have a cause of action to recover damages relating to the wrongful death of the decedent.

When submitting the Compensation Form to the Special Master, the Personal Representative must also attach a completed copy of Exhibit B, "List of Individuals Notified of Claim Filing." This lists each individual provided with the Notice, their relationship to the decedent, their address and Social Security Number (if available) and the manner in which the Notice was communicated to each recipient.

#### **10.4 What if I need more space to write or have more documents to send?**

You may attach additional pages if you need more space for your answers. You may also attach any additional documents you wish to provide. Please remember to put the Victim's Social Security Number or national identification number on each page. For deceased Victims, the Personal Representative's SSN or national identification number must also be on each additional page.

#### **10.5 How will I know that my claim has been received?**

You will be notified by mail.

#### **10.6 How will I know that my Compensation Form is complete?**

You will receive a letter that your claim is "substantially complete" and that the 120-day review timetable begins.

#### **10.7 How can a Personal Representative get copies of federal tax returns for a decedent?**

The "Request for Copy or Transcript of Tax Forms" is found on IRS Form 4506. Requesters other than the taxpayer will also need to submit another form. This will either be a "Power of Attorney and Declaration of Representative" found on Form 2848 or a "Notice Concerning Fiduciary Relationship" found on Form 56. The IRS has a toll free number, 800-829-1040, available for any questions. The IRS website can be accessed at [www.irs.gov](http://www.irs.gov). All of the forms discussed above are available from the IRS website.

In addition, the Internal Revenue Service (IRS) is providing special help for those affected by the September 11th terrorist attacks, as well as the survivors and Personal Representatives. The IRS

has set up a special toll-free number for people who may have trouble filing or paying their taxes because they were affected by the terrorist attacks, or for people who have other tax issues related to the attacks. Call 1-866-562-5227 Monday through Friday, 7:00 am to 10:00 pm local time for English, 8:00 am to 9:30 pm local time for Spanish.

#### **10.8 What happens after I submit the Compensation Form?**

First, you will be notified that your Compensation Form has been received. Next, the Special Master will review your package to ensure it is complete (you will be advised of any deficiency in your form and of any required documentation that is missing). Claims assistance will be available to you by calling the Helpline at 1-888-714-3385 or by visiting one of the Claims Assistance Sites. Once your package is complete, we will determine the amount of your award or conduct a hearing depending on the track you select.

#### **10.9 When will the Special Master make his determination on my claim?**

The Special Master will issue a determination no later than 120 days after it is determined that either the "Personal Injury Compensation Form" or the "Compensation Form for Deceased Victims" is substantially complete.

#### **10.10 What is the difference between Track A and Track B?**

The regulations provide claimants with a choice of two Procedural Options: Track A or Track B.

- If a claimant selects **Track A**, the Claims Evaluator will determine eligibility and the claimant's presumed award and, within 45 days of the date the claim was deemed filed, notify the claimant in writing of the eligibility determination, the amount of the presumed award, and the right to request a hearing before the Special Master or his designee. After an eligible claimant has been notified of the presumed award, the claimant may either accept the presumed compensation determination as the final determination and request payment, or may instead request a review before the Special Master or his designee. If a claimant opts for a review, the claimant may make supplemental submissions. The Special Master may alter or modify the award if the presumed award was calculated erroneously, or if the claimant demonstrates extraordinary circumstances indicating that the presumed award does not adequately address the claimant's injury. There will be no further review or appeal from this determination.
- If the claimant selects **Track B**, a Claims Evaluator will determine eligibility within 45 days of the date the claim was deemed filed, but shall not determine the claimant's presumed award. The Claims Evaluator will then notify the claimant in writing of the eligibility determination. Upon notification of eligibility, the claimant will proceed to a hearing. At the hearing, the Special Master or his designee will utilize the presumed award methodology, but may modify or vary the award if the claimant presents extraordinary circumstances not adequately addressed by the presumed award methodology. There shall be no review or appeal from this determination.

#### **10.11 Can someone other than the Personal Representative submit information?**

The regulations provide that any interested party may make a submission with respect to any Victim even if that person is not the Personal Representative. Individuals other than the PR will also need to complete a Statement of Interest Form for each submission. Please call the Helpline at 1-888-714-3385 to request this form.

#### **10.12 Will claimants be notified if any objection is filed against their claim?**

Yes. We will inform the claimant of the objection.

#### **10.13 How do I submit supplemental information to a claim I already filed?**

- For **deceased Victims**, write Victim's Social Security Number and Personal Representative Social Security Number on all documents, and include your claim number.
- For **physically injured Victims**, write the Victim's Social Security Number and your claim number on all documents.
- Mail documents to the following:
  - (Regular mail) Victim Compensation Fund P.O. Box 18698 Washington, DC 20036-8698
  - (Overnight mail) Victim Compensation Fund 1900 K Street, NW, Suite 900, Washington, DC 20006, 202-822-4485

Please note: The Fund will mail you an acknowledgement approximately four to six days after the supplemental material has been received.

#### **10.14 If the Victim's spouse decides not to participate in the program and decides not to sue the airlines, can another member of the family file with the fund?**

Yes, if that person can be appointed as a Personal Representative.

#### **10.15 When submitting a claim, is it necessary for me to provide all back up and supporting documentation?**

Yes, it is imperative that you provide sufficient back up and supporting documentation when you submit a claim. This applies to the checklist items you may or may not need to submit (this will vary from claimant to claimant) in Part IV of the Death and Personal Injury Compensation Forms and any other supporting documentation you submit to support your claim.

**For example, if you provide an economist report on projected future earnings of a decedent, we would like to see all supporting schedules that document your assumptions along with detailed calculations and analysis. Without sufficient back up and supporting documentation, the Special Master may not be able to understand your approach,**

**conclusion(s), and recommendation(s), thus, not affording him the opportunity to properly review your claim.**

If you do not provide sufficient supporting documentation as described above, the processing of your claim could be delayed.

**10.16 Can I create an electronic Death or Personal Injury compensation form so that I can use my computer to enter the information requested right onto the electronic version the form(s)?**

Yes. However, if you create an electronic Death Compensation and Personal Injury compensation form for claim submission, they should only be used to capture information requested on the forms. You still need you to send in the signature pages from the original forms as part of your claim submission.

Please note that if you do decide to create and use your own electronic form for "on-line or computer " data entry, processing could be delayed because your form may impact our normal document scanning / intake process.

In the near future, we will offer an electronic form option that will accommodate data entry right onto the Death and Personal Injury compensation forms that can then be downloaded, saved, and printed from your own personal computer. Please monitor the "What's New" section of this website to learn when the electronic form is available.

You can obtain an original Death or Personal Injury compensation form from this website, a Claim Assistance Site, or the Help Line (1-888-714-3385).